

Re: Submittal of Work Plan for Concrete Joint Removal under the TSCA Self-Implementing Rules of 40 C.F.R. 761.61, North Boeing Field, Seattle, Washington.

Dear Mr Tochko:

This letter is in response to the June 29, 2010, submittal of Work Plan for Concrete Joint Removal as notification of self-implementing cleanup of polychlorinated biphenyl (PCB) remediation waste, North Boeing Field, Seattle, Washington. The work plan upon which this notification is based pertains to the proposed removal by The Boeing Company (Boeing) of PCB-containing concrete joint material (CJM) within the vicinity of the Propulsion Engineering Labs (PEL) area of North Boeing Field (NBF). The EPA has reviewed your work plan for the cleanup and disposal of PCB remediation waste under 40 C.F.R. 761.61(a). Based on its review of Boeing's proposed cleanup, EPA disapproves pursuant to 40 C.F.R. 761.61(a)(3)(ii) of this self-implementing cleanup.

EPA's principle issue with Boeing's proposal is that it only addresses replacement concrete joint material (CJM) that has been contaminated by PCBs remaining in concrete. EPA's understanding is that CJM previously installed in the area in question contained PCBs at levels as high as (need a value and a citation). These PCBs, in turn, are believed to have contaminated concrete in contact with the PCB-containing CJM, and may continue to act as a source term contaminating run-off and sediment in the storm drain system and catch basins. Although the original PCB-containing CJM has been removed (need a date and a citation), PCBs from that CJM that likely contaminated the adjoining concrete have not been characterized or removed or decontaminated. PCBs remaining in concrete appear to have contaminated the replacement CJM addressed in Boeing's June 29, 2010 work plan, and may remain a source term contributing to additional run-off, as well as storm drain and catch basin sediment, contamination.

EPA's second issue with Boeing's proposal is that EPA does not consider the self-implementing authority of 40 C.F.R. 761.61(a) to be appropriate for circumstances at North Boeing Field. The requirements of 40 C.F.R. 761.61(a) state:

“(a) Self-implementing on-site cleanup and disposal of PCB remediation waste. EPA designed the self-implementing procedure for a general, moderately-sized site where there should be low residual environmental impact from remedial activities. The procedure may be less practical for larger or environmentally diverse sites. For these other sites, the self-implementing procedure still applies, but an EPA Regional Administrator may authorize more practical procedures through paragraph (c) of this section. Any person may conduct self-implementing cleanup and disposal of PCB remediation waste in accordance with the following requirements without prior written approval from EPA.

(1) Applicability. (i) The self-implementing procedures may not be used to clean up:

- (A) Surface or ground waters.*
- (B) Sediments in marine and freshwater ecosystems.*
- (C) Sewers or sewage treatment systems. [...]*

EPA does not consider NBF either a general or a moderately-sized site, or one where there should be a low residual environmental impact from remedial activities. Further, there is a direct nexus between the cleanup of both CJM and concrete in the NBF area to surface water, sewers and associated catch basins,

and eventually sediments in the Duwamish waterway marine ecosystem. Therefore, EPA concludes that the self-implementing cleanup authority of 40 C.F.R. 761.61(a) is not applicable to the NBF area, and that cleanup of spills and releases of PCBs in the NBF area must be addressed through the risk-based disposal approval authority of 40 C.F.R. 761.61(c). EPA notes that it has previously denied a notification of self-implementing cleanup at NBF [add a reference to EPA's previous decision on a self-implementing cleanup notification to Boeing.]

Based on these two concerns, EPA requests that Boeing provide EPA with an application for a risk-based disposal approval pursuant to 40 C.F.R. 761.61(c). In addition to the requirements explicitly identified in 40 C.F.R. 761.61(c), this application must address the following issues:

- Sufficient characterization of PCB contamination in CJM and concrete to ensure that all materials that meets the definition of PCB remediation waste at 40 C.F.R. 761.3 is identified. In conducting this characterization, EPA encourages Boeing to consider requirements of other applicable laws and regulations, including but not limited to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 United States Code (U.S.C.) §9601 *et. seq.*, the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6901 *et. seq.*, and the Model Toxics Control Act (MTCA) 70.105D Revised Code of Washington (RCW). Characterization of the nature and extent of PCB contamination should be adequate to support any cleanup decision EPA may make under TSCA authority, as well as decisions which may be made under other programs.
- A detailed, site-specific analysis of PCB transport pathways, as well as human and environmental receptors, which are or may be affected by PCBs in existing CJM and concrete.
- Cleanup levels for both concrete and CJM that are protective of the receptors as identified above. EPA encourages Boeing to propose cleanup levels that satisfy both the no unreasonable risk of injury to health and the environment standard of 40 C.F.R. 761.61(c)(2) as well as any more stringent requirements which may be required under other applicable laws and regulations.
- Procedures for removal or decontamination of PCBs in both CJM and concrete as necessary to satisfy cleanup levels described above, including verification sampling and analysis requirements, and disposal of removed material and cleanup wastes.

If you have any questions or comments, please contact Mr. Daniel Duncan at (206) 553-6693, or duncan.daniel@epa.gov. Questions from Boeing counsel should be directed to Richard Mednick, Associate Regional Counsel, at (206) 553-1797 or mednick.richard@epa.gov.

Sincerely

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